

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2021-330--T – ORDER NO. 2022-\_\_\_\_  
\_\_\_\_\_,2022**

IN	Application of LaBarbera	)	<b>ORDER GRANTING CLASS E</b>
RE:	Movers, LLC for a Class E	)	<b>HOUSEHOLD GOODS</b>
	(Household Goods) Certificate of	)	<b>CERTIFICATE</b>
	Public Convenience and	)	<b>STATEWIDE AUTHORITY</b>
	Necessity for Operation of Motor	)	
	Vehicle Carrier	)	

**I. INTRODUCTION**

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of LaBarbera Movers, LLC (hereinafter referred to as "LaBarbera Movers" or the "Applicant"). By its Application, LaBarbera Movers requests a Class E Certificate of Public Convenience and Necessity ("CPCN") with authority to transport household goods in Horry, Georgetown, and Marion counties.

**II. PROCEDURAL HISTORY**

LaBarbera Movers filed its Application with the Commission on October 13, 2021. By letter dated January 25, 2022, the Clerk's Office of the Commission instructed LaBarbera Movers to publish the Notice of Filing (the "Notice") in newspapers of general circulation. Among other things, the Notice provided information regarding the Application and advised any person who desired to participate as a party of record that a Petition to Intervene must be filed on or before February 22, 2022. Notice was timely published. No person intervened as a party of record.

The evidentiary hearing was held virtually on March 1, 2022, with the Honorable Florence P. Belser presiding. Applicant was represented by Charles Terreni, Esquire. The

DOCKET NO. 2021-330-T - ORDER NO. 2022-\_\_\_\_  
DATE  
PAGE 2

South Carolina Office of Regulatory Staff ("ORS"), a party of record pursuant to S.C. Code Ann. § 58-41-10(B) (Supp. 2019), was represented by Nicole M. Hair, Esquire.

### **III. EVIDENCE OF RECORD**

LaBarbera Movers is a South Carolina limited liability company corporation formed on May 10, 2021. The company's sole member and principal officer is Max LaBarbera. Mr. LaBarbera testified in support of the application.

Mr. LaBarbera attended Philadelphia University and Southern New Hampshire University where he studied finance and marketing. During high school and college, he worked for two moving companies Clancy Relocation & Logistics and United Relocation Services in New York, Mr. LaBarbera also managed a Planet Fitness gym during and after college. Recently, he was employed as a Georgetown County Deputy Sheriff, and he is a licensed realtor based in Myrtle Beach. Mr. LaBarbera's father, who has twenty-five years of experience in the moving business, will also work for the Applicant.

LaBarbera Movers owns a 2011 15 ft. Chevrolet box truck and plans to acquire more vehicles as its business grows. Mr. LaBarbera presented insurance quotes for \$750,000 in general liability insurance and \$5,000 in cargo insurance.

LaBarbera Movers will initially have two to three employees. LaBarbera Movers will train its employees with firsthand demonstrations and with videos it plans to produce.

Applicant believes South Carolina's rapid population growth, especially in Horry County, will provide an opportunity for his household goods moving business. Applicant will market its services in South Carolina through internet search engine ads, billboards, and word-of-mouth referrals.

LaBarbera Movers plans to grow the business over the next five (5) years, by

DOCKET NO. 2021-330-T - ORDER NO. 2022-\_\_\_\_  
DATE  
PAGE 3

applying for statewide authority, hiring more workers, and opening a warehouse and self-storage facility.

Mr. LaBarbera testified there are no outstanding judgments against him or LaBarbera Movers. He also presented the Commission with a ten-year driving record showing zero points on his license. Further, LaBarbera Movers is familiar with all statutes and regulations governing for-hire motor carrier operations in South Carolina, including the Commission's regulations regarding insurance requirements.

ORS did not prefile direct testimony, or present testimony at the hearing. By letter dated February 28, 2022, ORS stated it is "of the opinion that the Applicant will meet the requirements of fit, willing and able as required of a Household Goods Mover under the provisions of S.C. Code Ann. Regs. 103-133."

#### IV. LAW

The Commission is charged with promulgating regulations to govern the operations of carriers of household goods. S.C. Code Ann. § 58-23-590(A). The Commission is authorized to fix or approve just and reasonable rates, fares, and charges upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. S.C. Code Ann. § 58-23-1010 (2015); S.C. Code Ann. Regs. 103-133(1) (2012); S.C. Code Ann. Regs. 103-192 (2012). S.C. Code Ann. Regs. 103-133 (2012) is entitled "Proof Required to Justify Approving an Application" and for household goods applications, provides as follows:

- a. **FIT.** The applicant must demonstrate or the commission determines that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also

DOCKET NO. 2021-330-T - ORDER NO. 2022-\_\_\_\_  
DATE  
PAGE 4

certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.

- b. **ABLE.** The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the commission's insurance requirements and the costs associated therewith. Additionally, the applicant can file a statement indicating the applicant's purpose for seeking a Class E Certificate, the applicant's 5-year plan if the commission grants the applicant a Class E Certificate, and such other information that may be contained in a business proposal.
- c. **WILLING.** Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

(emphasis added) S.C. Code Ann. Regs. 103-133(1) (2012).

## V. DISCUSSION

Based upon the evidence of record, LaBarbera Movers has demonstrated it is fit, willing, and able to provide and properly perform the proposed services. Mr. LaBarbera testified there are no outstanding judgments pending against Applicant and certified LaBarbera Movers is familiar with and will comply with all statutes and regulations governing for-hire motor carrier services. This satisfies the "fitness" requirement.

"Able" was demonstrated by Applicant's 2011 15 ft. box truck, and Mr. LaBarbera's experience in the moving business. Applicant has also provided insurance quotes, which

DOCKET NO. 2021-330-T - ORDER NO. 2022-\_\_\_\_  
DATE  
PAGE 5

indicates Applicant is aware of the Commission's insurance requirements and the costs associated therewith.

Having demonstrated LaBarbera Movers is "fit" and "able" to provide the proposed service, filing the Application satisfies the "willing" requirement.

Applicant has also met the public convenience and necessity requirement. Here, LaBarbera Movers is applying for authority in three counties—Horry, Georgetown, and Marion—and has not used shipper witness testimony to support the Application. LaBarbera testified that South Carolina's population growth, particularly in Horry County, indicates there is a strong need for qualified movers

## **VI. FINDINGS OF FACT**

The Commission finds there are no outstanding judgments pending against LaBarbera Movers. Further, Applicant is familiar with and agrees to comply with all statutes and regulations governing movers of household goods. LaBarbera Movers is fit to appropriately perform the service described in its Application.

1. The Commission finds LaBarbera Movers owns a vehicle to provide the service described in its Application. Further, LaBarbera Movers provide an insurance quote with its Application. LaBarbera Movers is able to appropriately perform the service described in its Application.

2. The Commission finds that by submitting its Application, LaBarbera Movers has demonstrated it is willing to appropriately perform the proposed service.

3. The Commissions finds that public convenience and necessity are not already being served by existing authorized services.

## **VI. CONCLUSIONS OF LAW**

1. The Commission concludes that LaBarbera Movers has demonstrated it is fit, willing, and able to appropriately perform the service described in its Application. S.C. Code Ann. Regs. 103-133(1) (2012).

2. The Commission concludes that the public convenience and necessity are not already being served by existing authorized service. S.C. Code Ann. Regs. 103-133(1) (2012).

3. The Commission concludes that a Class E (Household Goods) Certificate of Public Convenience and Necessity should be granted to LaBarbera Movers.

## **VII. ORDERING PROVISIONS**

### **IT IS THEREFORE ORDERED:**

4. The Application of LaBarbera Movers for a Class E (Household Goods) Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods to points and places in Horry, Marion, and Georgetown counties.

1. LaBarbera Movers' Tariff and Bill of Lading are approved and attached hereto as Order Exhibits 1 and 2, respectively.

2. Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. § 58-23-10 et seq., as amended, and by S.C. Regulations 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, and S.C. Regulations 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

DOCKET NO. 2021-330-T - ORDER NO. 2022-\_\_\_\_  
DATE  
PAGE 7

3. Upon compliance with S.C. Code Ann. § 58-23-10 et seq., and the applicable Regulations for Motor Carriers, a Certificate will be issued by ORS authorizing the motor carrier services granted herein.

4. The motor carrier's services authorized by this Order may not be provided prior to compliance with the above-referenced requirements and receipt of a Certificate.

5. Failure of Applicant to either (1) complete the certification process by complying with ORS requirements within ninety (90) days of this Order, or (2) to request and obtain from the Commission additional time to comply with the requirements stated above, will cause this Order granting the Application to be null and void, and the Application will be dismissed without prejudice. No further order of this Commission is necessary.

8. Should Applicant fail to meet the requirements of this Order, ORS is requested to furnish the name and docket number of Applicant to the Commission, pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014). If such notification is provided, the docket will be closed.

9. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION

---

Florence P. Belser, Vice-Chair  
Public Service Commission of  
South Carolina